

REMARKS

I. Status of the Application

Claims 1, 2, 5-7, 10-16 and 18-23 are pending in this application. In the April 28, 2004 office action, the examiner allowed claims 7 and 10-15, but rejected claims 1, 2, 5, 6, 16 and 18-22 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,863,695 to Fullemann (hereinafter "Fullemann"). In addition, the examiner rejected claims 5 and 6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Finally, the examiner objected to claim 23, but indicated that claim 23 would be allowable if re-written in independent form to include all of the limitations of the base claim and any intervening claims.

In this response, applicants have amended claims 1, 16 and 19-21. Applicants have also clarified the previous amendment to dependent claim 5. Applicants respectfully request reconsideration of pending claims 1, 2, 5-7, 10-16 and 18-23, in view of the foregoing amendments and the following remarks.

II. The Rejection of Claims 5 and 6 Should be Withdrawn

In the April 28, 2004 office action, the examiner rejected claims 5 and 6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the examiner requests clarification concerning the dependency of claim 5. Applicant respectfully submits that claim 5 is meant to depend from claim 1. From the April 16, 2004 amendments submitted by applicant, it appears that the strikeout of the

numeral 4 in claim 5 was difficult to discern as a strikeout. Applicant requests entry of this attempted amendment to claim 5 by striking the numeral 4 from the claim and adding the numeral 1. Accordingly, applicant respectfully submits that the rejection of claims 5 and 6 should be withdrawn.

III. Claims 1, 16 and 19

In the April 28, 2004 office action, the examiner rejected claims 1, 16 and 19 under 35 U.S.C. § 102(b) as being anticipated by Fullemann.

Claims 1, 16 and 19 have each been amended to include the limitation that the first raised band on the mandrel is “non-resilient”. Support for these amendments is set forth in the specification, including the portion of the specification starting with page 8, line 28 and ending with page 9, line 8. As set forth in the specification, non-resilient seals positioned on the mandrel help eliminate twisting of the seals during insertion of the tip on to the mandrel and contribute toward more consistent sealing between the mandrel and the pipette tip.

The Fullemann reference does not disclose all the limitations of claims 1, 16 and 19. For example, the Fullemann reference does not disclose a first “non-resilient” raised band positioned upon a first cylindrical portion of the mandrel as set forth in each of claims 1, 16 and 19. Instead, as shown in Fig. 7 of Fullemann, Fullemann only discloses a resilient seal 26 made of a soft resilient material that deforms when the pipette tip is inserted on the mandrel (see col. 3, lines 14-33). The resilient seal disclosed in Fullemann performs in the manner disclosed as being problematic in the prior art. In particular, resilient seals twist or roll as the pipette tip is inserted on the mandrel. This action often

prevents a proper seal from forming between the mandrel and the pipette tip. (See page 3, lines 9-15 and page 9, lines 2-8 of applicant's specification).

For at least the reasons discussed above, Fullemann does not disclose all limitations of claims 1, 16 and 19 of the present application. Accordingly, it is respectfully submitted that claims 1, 16 and 19 are allowable and the examiner's rejection of claims 1, 16 and 19 as anticipated by Fullemann under 35 U.S.C. § 102(b) should be withdrawn.

IV. Dependent Claims 2, 18 and 20-23


Dependent claims 2, 18 and 20-23 depend from and incorporate all the limitations of one of allowable independent claims 1, 16, or 19. Accordingly, it is respectfully submitted that dependent claims 2, 18 and 20-23 are also allowable for at least the same reasons the independent claims 1, 16 and 19 are allowable.

V. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is, therefore, respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,



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